

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOY LEE LECOMPTE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:21-cv-00637-DAD-BAK (BAM)

**ORDER ADOPTING STIPULATION TO  
SUBSTITUTE PARTY**

(Doc. 23)

Plaintiff Joy Lee LeCompte (“Plaintiff”), through counsel, initiated this action seeking review of a decision of the Commissioner of Social Security (“Commissioner”) denying Plaintiff’s application for disability insurance benefits and supplemental security income benefits. (Doc. 1.)

On June 15, 2022, the parties stipulated to remand this case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. 17.) The district court gave effect to the parties’ stipulation on June 21, 2022, and remanded the case to the Commissioner for further proceedings consistent with the terms of the parties’ stipulation. The district court also directed entry of final judgment in favor of Plaintiff, and against the Commissioner, reversing the final decision of the Commissioner and remanding the matter for a new decision. (Doc. 19.) The Clerk of the Court entered judgment and the case was closed. (Docs. 19, 20.)

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On July 15, 2022, Plaintiff's counsel filed a notice that Plaintiff died on February 2, 2022. Plaintiff's counsel also filed a motion seeking to substitute Plaintiff's daughter, Gillian Amos, as the plaintiff in this action pursuant to Federal Rule of Civil Procedure 25(a). (Docs. 21, 21-1.) In the moving papers, counsel indicates that Ms. Amos has a claim<sup>1</sup> under 20 C.F.R. § 404.503(b) to any owed payments that may be found to have been due to Plaintiff on remand. (Doc. 21-1 at ¶ 5.) Counsel brings the motion for substitution, despite the prior issuance of a judgment, so that the matter of payment under the Equal Access to Justice Act may be resolved in a subsequent motion. (*Id.* at ¶ 6.) Plaintiff's counsel also reported that the Commissioner has consented to the substitution of Ms. Amos. (*Id.* at ¶ 7.) However, because no stipulation or statement of non-opposition had been filed, the Court directed the Commissioner to file a response or statement of non-opposition to the motion for substitution. Alternatively, the Court indicated that the parties could file a stipulation to substitute Ms. Amos as plaintiff. (Doc. 22.)

On July 20, 2022, the parties filed a stipulation to substitute Ms. Amos as plaintiff in the place of Joy Lee LeCompte. (Doc. 23.)

Good cause appearing, the parties' stipulation is ADOPTED. Gilliam Amos is substituted as Plaintiff in the place of Joy Lee LeCompte pursuant to Federal Rule of Civil Procedure 25(a)(1).

IT IS SO ORDERED.

Dated: July 21, 2022

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> The parties' stipulation indicates that the claim is to be determined at the Agency level of review. (*See* Doc. 23 at ¶ 5.)